

## DUCHESNE COUNTY

STATE OF UTAH

Duchesne, Utah.

June 25, 1931.

Hon. George M. Bacon,  
State Engineer,  
Salt Lake City, Utah.



Dear Mr. Bacon:

I was very much disappointed to read your letter of June 23, because I feel very strongly that in just such situations as this one on Red Creek you have an opportunity to clearly demonstrate the usefulness of your office to the people of the State of Utah, and I further feel that under the provisions of Chapter 18 of the 1931 Session Laws you are given precisely the authority that you need in a case of this kind.

Since seeing you in Salt Lake I have consulted very freely, not only with the stockholders of the Red Creek Irrigation Company, but also with Mr. Young and his associates and the people who are under the Muir Ditch. In other words, I have consulted with all of the water users on Red Creek and they are absolutely unanimous in wanting you to appoint a water commissioner just as quickly as possible. All of them, without exception, have stated that they will obey any orders of directions given by your water commissioner, and that they will install headgates and measuring devices upon your order without any further trouble, provided, of course, that the installations are not entirely beyond their means.

I am on an annual retainer from the Red Creek Irrigation Company, but in addition to my interest in the matter from that standpoint, I am also interested as County Attorney in maintaining some degree of peace up there on Red Creek. As I told you in your office on Monday, as far as water is concerned a state of anarchy exists and has existed up there for some time. I am firmly convinced that all is needed is for some competent authority to step in and lay down some rules and the serious part of the trouble will be over.

The stockholders of the company which I represent constitute the majority of the water users from Red Creek and all of the other water users are represented by Judge L. A. Hollenbeck. Mr. Hollenbeck and I had a conference yesterday and we agreed that we would join in a request to you for the appointment of a commissioner; with a recommendation that the commissioner at first be authorized by you to measure out the water only ~~at~~ at the points of diversion on Red Creek of the three ditches, namely, the Young Ditch, the Red Creek Company Ditch and the Muir ditch, leaving the users on down the ditches to distribute the water to the various individual users, and that the commissioner also have the authority to take whatever steps might be necessary to prevent any undue waste of the water by any of the users.

I have been authorized and directed by the President and Board of Directors of the Red Creek Irrigation Company, and acting in its behalf I hereby request that you appoint Mr. Curtis T. Murdock of Fruitland as a temporary water commissioner for the balance of this irrigation season. Mr. Murdock has advised me that he will undertake this work for the balance of the season for the sum of \$200.00. He figures this at the rate of \$5.00 per day and ten cents per mile mileage, the entire amount not in any event to exceed \$200.00 and if there should be any residue, he is willing that it be applied on next year's assessments.

Mr. Hollenbeck and I are of the opinion that the commissioner should at once make some temporary distribution that would be as fair as possible to all parties concerned; that he should go to your office and obtain all data possible as to priority of filings, etc., and that he should then study the situation as it exists today and make a report to you of his study of the present situation as to acreage cultivated, needs and requirements of the various users, etc. Only after that should he establish permanent rules for distribution, rotation, etc. Mr. Hollenbeck and I feel that all that is needed is for a competent man to come in and firmly and justly make a fair distribution in such a way that the greatest amount of water possible will be applied to beneficial use.

You suggest a court action, but a court action would be very expensive and these people are poor, and the relief afforded by Court action is far from speedy. The Antelope case has been pending now since 1927, and the court observed in that case that it was proper for the State Engineer to take action first. We feel that under the statute it is your plain duty to act in this case and only after the failure of the machinery of your office should we be forced to resort to the courts.

Inasmuch as Mr. Hollenbeck and I between us represent all of the water users on Red Creek, and as we are now asking you for the appointment of a commissioner, we believe that any information that you may require to supplement the information already in your office can be obtained through either or both of us. Should you positively refuse to act in the matter, we plan to set up an arbitration commission of three disinterested persons to distribute and pro rate the water from Red Creek rather than go to court about it, but the water commissioner appointed by you would have greater authority and would be much more satisfactory to all parties concerned, and it would certainly be a sad state of affairs if the local people would have to set up their own machinery after the machinery provided by law had refused and failed to function.

The court actions which you mention in your letter as pending are criminal actions brought against some of the water users for assault with a deadly weapon and of course they will have no effect whatever upon the water question. I enclose a petition signed by all the stockholders of the Red Creek Company, with one exception. I understand that some of the other users desire the appointment of a Mr. Baum, but there is some question as to his proficiency, besides he is a relative of ~~the~~ some of the users.

Very truly yours,

RGP:P

